S.B. Criminal Misc. Bail Application No.3696/2006

Date : 05.09.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sandeep Mehta for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the applicants have been involved in this case on the false pretext that complainant was called by the applicants at their house and there he was assaulted. Learned counsel submits that this story prima facie is not convincing for the reason that there was no occasion to make any visit at the house of accused person by the complainant because parties have animosity with each other. It is also submitted that two of the accused persons namely Laxman and Mana Ram received injuries on the vital part of their bodies and the injuries sustained by Laxman, two in number; one was on the head

and resulted in fracture. He submits that infact the complainant after full preparation came to the house of the accused persons and there, it appears, scuffle took place. He further submits that in relation to the incident complainant party has also been charge-sheeted. It has also been submitted that two days before the incident, complainant party removed one electric motor and for that FIR was also lodged by the accused persons. In last, it is submitted that two co-accused namely Nathu and Kishore have already been enlarged on bail by this Court and the case of the present applicants is not different than the co-accused who have been granted bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Laxman son of Nathu and (2) Mana Ram son of Nathu shall be released on bail in FIR No.34/2006 P.S. Vallabh Nagar, District Udaipur, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant